



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Virginia Department of Environmental Quality
<b>VAC Chapter Number:</b>	9 VAC 20-90-10 et seq.
<b>Regulation Title:</b>	Solid Waste Management Facility Permit Application Fees
<b>Action Title:</b>	Periodic Review
<b>Date:</b>	September 14, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

The regulation establishes schedules and procedures pertaining to the payment and collection of fees from any applicant seeking a new permit or seeking a modification to an existing permit for the construction and operation of a solid or regulated medical waste management facility.

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

Section 10.1-1402(11) of the Code of Virginia provides the Waste Management Board the authority to promulgate regulations to carry out its powers and duties.

Section 10.1-1402(16) of the Code of Virginia provides the Waste Management Board the authority to collect permit application fees for nonhazardous facilities sufficient only to defray the costs of issuing permits.

Section 10.1-1402.1 of the Code of Virginia provides governing standards for the development of these regulations.

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

No public comments were received. An advisory group was not used for the periodic review.

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

The purpose of the regulation is to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.

The purpose of the regulation is to provide for the collection of minimum fees from applicants for solid waste management facility permits to fund efficient, timely and effective review of the application. The fees are collected to recover a portion of the agency's costs associate with processing of applications for nonhazardous solid waste permits.

According to the Permit Fee Program Evaluations, prepared pursuant to § 10.1-1402.1(3) of the Code of Virginia, the percentage of permit program costs received from permit fees are as follows:

	Percentage	Fees	Permit Program Direct Cost
FY1992	15%	115,000	752,239
FY1995	17%	300,014	1,774,669
FY1997	9%	321,404	3,640,529
FY 1999	10%	399,615	3,820,266

Protection of human health and the environment encourages the institution of the family and family stability. These regulations promote environmental protection by providing resources for the review of solid waste permits. The regulation is clearly written and easily understandable by the individuals and entities affected.

### Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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The funds received from permit application fees are a relatively low portion of the funds used for the support of the permit program. Although permit fees have not increased since the program was implemented, the permit program currently has adequate funds to review and issue permits and permit fees need not increase. However, based on current trends of revenue, expenditures of the fund will exceed the revenue received as permit fees sometime in FY 2004. Since the fund currently supports six permit writer positions, the agency will need to find another source of revenue to fund these positions or increase permit applications fees in the future. The department will continue to monitor this trend and, if necessary, may request to modify the permit fee regulation prior to the next periodic review.

### Recommendation

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The Agency is recommending that the regulation stay in effect without change.

### Family Impact Statement

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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Protection of human health and the environment encourages the institution of the family and family stability. These regulations promote environmental protection by providing resources for the review of solid waste permits. The regulation may marginally increase disposable family

income by placing the costs of solid waste permitting directly on the regulated entities, rather than the public at large.